

STATE OF NEW HAMPSHIRE  
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES  
WATER COUNCIL

APPEAL OF BELL  
DOCKET NO. 03-14 WC

RECEIVED

OCT 07 2003

**PETITION TO INTERVENE OF ABUTTER RICHARD COTE**

NOW COMES, RICHARD COTE, by and through his attorney, Thomas R. Hanna, 41 School Street, Keene, New Hampshire, 03431, and respectfully requests that the NHDES Water Council permit the intervention of Richard Cote in the above matter, for the reasons stated below.

1. On or about April 25, 2003, Mr. Gerald A. Bell filed an Application for Waiver of Septage Rules in which he sought to be relieved of the statutory requirement to locate his septage facilities at least 500 feet from an Abutter's property line unless the Applicant receives consent from the affected the Abutter. That Application was subsequently revised and filed with NHDES on or about June 19, 2003.
2. The Petitioner herein owns property on Whitcomb Road in Swanzey, New Hampshire, which property immediately abuts the Bell facility and is, in fact, 85 feet from the facility that Mr. Bell sought to repermit.
3. The undersigned counsel for Mr. Cote informed the NHDES by letter dated July 17, 2003, that Mr. Cote objected to the location of the facility so close to Mr. Cote's property.
4. On or about August 19, 2003, NHDES denied the Application for Waiver of Septage Rules.

5. On or about September 17, 2003, Mr. Bell filed an appeal of the denial of his application for waiver.
6. For the reasons previously indicated, Petitioner Richard Cote qualifies as an intervenor under ENV-WC 203.12 and RSA 541-A:32 and, therefore, should be granted full rights to participate in this proceeding.


WHEREFORE Petitioner Richard Cote respectfully requests that the Council grant this request to intervene in this matter as a full party.

Respectfully submitted,

RICHARD COTE

By his attorney,

October 6, 2003

  
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